

Appl. No. 09/800,645
Amdt. dated July 26, 2005
Reply to Office Action of April 28, 2005

REMARKS/ARGUMENTS

Claims 1-6, 8-19, 22-33 and 77-79 are pending in this application.

Claims 35-76 have been cancelled by this Amendment.

Directing attention to the grounds for rejection, claims 1-2, 4-5, 8-19, 22-23, 25, 27-33 and 77-79 stand rejected under 35 U.S.C. 103(a) as being obvious in view of U.S. 5,547,541 to Hansen. Hansen discloses a method of forming a dry cellulose fibers containing superabsorbent particles for use in absorbent products such as diapers. Cellulose fibers are treated with a binder material that forms hydrogen bonds with the hydroxyl groups of the cellulose fibers. The binder material in turn binds to the superabsorbent particles. The binder material and superabsorbent particles can be applied to pulp sheets, which are then dry fiberized, or the superabsorbent particles can be added after the binder-treated pulp sheets are fiberized. (See col. 5, lines 12-21, and col. 9, lines 41-67 and col. 10, lines 1-9).

However, Hansen does not disclose or suggest dispersing the chemically treated pulp fibers in water and draining the water from the chemically treated pulp fibers, as claimed by Applicants. Any fiberization step utilized in Hansen is a dry fiberization and is not dispersion in water. Because the binder materials of Hansen bind to the cellulose fibers with hydrogen bonds, subsequent dispersion of the chemically treated fibers of Hansen in water would break the hydrogen bonds between the binder and the fibers and undo what Hansen is trying to accomplish. Therefore it would not be obvious from the teachings of Hansen to disperse the treated fibers in water. Furthermore, if the pulp sheets of Hansen also included the superabsorbent particles, any exposure to water would result in swelling of the superabsorbent particles and render the product useless.

Claims 3, 6, 24 and 26 are stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of U.S. 3,556,931 to Champaigne. Champaigne teaches spraying debonder onto the surface of a cellulose batt of fibers to create a soft outer zone and a more dense absorbent inner zone. It is asserted that by combining the teachings of Hansen with those of Champaigne, it would be obvious to provide Applicants' chemically treated web with a z-directional gradient. However, as stated above, the primary reference (Hansen) does not teach or suggest dispersing a chemically treated web in water and thereafter draining the water from the dispersed fibers. Therefore the subject matter of claims 3, 6, 24 and 26 is not obvious from the teachings of Hansen and Champaigne.

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Claims 1-6, 8-19, 22-33, and 77-79 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,582,560 to Runge et al. However, a terminal disclaimer with respect to this patent was previously submitted on October 24, 2003, the receipt of which was acknowledged in the Office Action mailed February 9, 2004. Therefore this basis for rejection has been addressed.

Claims 1-6, 8-19, 22-33 and 77-79 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-73 of copending Application Serial No. 10/242,571. In order to remove this basis for rejection, an appropriate terminal disclaimer is submitted herewith.

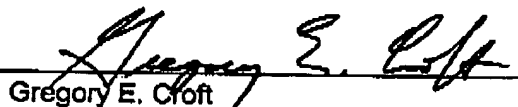
It is therefore believed that this application is now in condition for allowance and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3616.

Respectfully submitted,
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CERTIFICATE OF TRANSMISSION

I, Judy Garot, hereby certify that on July 26, 2005 this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

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